



LFW/ASA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Dalrymple III et al.
TITLE : COMPUTER APPLICATION
BACKUP METHOD AND SYSTEM
APPLICATION NO. : 10/624,200
FILED : July 22, 2003
CONFIRMATION NO. : 7730
EXAMINER : Padmanabhan
ART UNIT : 2161
LAST OFFICE ACTION : June 28, 2006
ATTORNEY DOCKET NO. : MDTI 200002

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner
mailed **June 28, 2006** finally rejecting claims 1-4 and 6-21.

12/01/2006 BABRAHA1 00000040 10624200

The items checked below are appropriate:

01 FC:1401
02 FC:1252

500.00 OP
450.00 OP

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

3. **EXTENSION OF TERM**

☒ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a two (2)-month extension of time up to and including November 28, 2006 in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

| | |
|------------------------|-----------------|
| Notice of Appeal Fee: | <u>\$500.00</u> |
| Extension of Time Fee: | <u>\$450.00</u> |

5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Nov. 28, 2006
Date

Robert M. Sieg
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216-861-5582

| CERTIFICATE OF MAILING OR TRANSMISSION | |
|--|--|
| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being | |
| <input checked="" type="checkbox"/> | deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. |
| <input type="checkbox"/> | transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below. |
| Express Mail Label No.: | Signature: <u>Mary Ann Temesvari</u> |
| Date: <u>Nov. 28, 2006</u> | Name: Mary Ann Temesvari |